THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.17669 of 2005

11-08-2005

Between:

N.V.Ramana Murthy.

... PETITONER

AND

1.The Senior Manager/Enquiring Authority, Syndicate Bank, Regional Office (City), Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.17669 of 2005

ORDER:

This writ petition is filed seeking writ of Mandamus declaring the proceedings dated 02.06.2005 and 08.07.2005 issued by the first and third respondents respectively as illegal, arbitrary and violative of principles of natural justice; and consequently to direct the respondents to furnish the certified copies of the documents relied on and referred to in the charge sheet or permit the petitioner to verify the original documents which are with the respondents with that of the copies furnished to the petitioner along with the charge sheet and thereafter to direct the respondents to conduct de novo enquiry departmentally.

According to the petitioner, while he was working as a Manager of the respondent-Bank in Vakalapudi Branch at Kakinada, he was alleged to have committed certain irregularities. Therefore, he was charge sheeted on 12.08.2004 and thereafter a regular departmental enquiry was also initiated. According to the petitioner, during the course of enquiry, certain documents were relied on and referred to in the charge sheet. When the petitioner requested the Enquiry Officer to provide an opportunity for verification of those copies with that of the originals, he was not given an opportunity for verification. Therefore, he could not participate in the enquiry and could not even adduce his evidence apart from cross-examining the Management witnesses. As the action of the Enquiry Officer amounts to violation of principles of natural justice, the entire enquiry is liable to be quashed. Hence, he sought for appropriate orders.

It is stated that as the ex-parte enquiry was concluded pursuant to

the said enquiry report, the third respondent issued proceedings dated 08.07.2005 furnishing a copy of the report to the petitioner and the petitioner was called upon to submit his explanation, if any, within a period of seven days. Aggrieved by the said action of the respondents, the petitioner has come up with the present writ petition.

At the time of hearing, the learned counsel for the petitioner reiterated the contentions raised in the writ petition and also referred to the letter dated 14.06.2005, wherein the petitioner sought copies of the documents relied upon by the respondent-Bank as well as sought verification of those copies with that of the originals.

The learned Standing Counsel, Mr.A.Krishnam Raju, appearing for the respondent-Bank, however, pointed out to the letter of the Enquiry Officer addressed to the petitioner, dated 02.06.2005, wherein it was specifically stated that by a letter dated 03.05.2005, while furnishing the proceedings of the enquiry to the petitioner, he was informed that he may approach the Enquiry Officer on or before 24.05.2005 in case he desires to verify the copies of the documents with that of the certified copies of the documents available with the Management, cross-examine the witnesses and to examine his witnesses, if any. But, the petitioner did not respond to the said communication of the Enquiry Officer. Therefore, the communication dated 02.06.2005 was issued by the Enquiry Officer. It is only thereafter the petitioner sent his letter dated 14.06.2005 stating that the Enquiry Officer was prejudiced and he was not given an opportunity for verification of the copies of the documents which is contrary to the communication given by the Enquiry Officer by his letter dated 03.05.2005. The learned counsel also contended that as the petitioner did not participate in the enquiry, the entire enquiry was completed and even the enquiry report was submitted by the Enquiry Officer and thereafter the enquiry report was communicated to the petitioner vide letter dated 08.07.2005 calling upon the explanation/comments of the petitioner with reference to the findings of the Enquiry Officer to take appropriate action. It is at that stage, the petitioner has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Bank.

From the material on record, there is absolutely no merit warranting any indulgence from this Court at this stage of the matter. The petitioner was given copies of the documents relied upon by the Management and in fact as it is evident by letter dated 02.06.2005 which is at page No.15 of the material papers that the Enquiry Officer invited the petitioner by letter dated 03.05.2005 to approach the Enquiry Officer for verification of the copies of the documents with that of documents available with the Enquiry Officer. But, the petitioner did not show any interest and did not even participate in the enquiry.

Under the above circumstances, there are absolutely no merits warranting interference of this Court at this stage of the matter. The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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11.08.2005

VGB